

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN V. APOLLO,

Plaintiff,

No. CIV S-98-1493 LKK CMK

vs.

COUNTY OF SACRAMENTO, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On May 27, 2005, the magistrate judge filed findings and recommendations recommending plaintiff's motion to vacate filed April 18, 2005, be denied. Plaintiff, subsequently, filed objections to these findings and recommendations.<sup>1</sup>

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire

<sup>1</sup> Concurrently with his objections, plaintiff filed another, identical motion to vacate, the merits of which are addressed in the magistrate judge's findings and recommendations. Accordingly, plaintiff's second motion to vacate will similarly be denied.

1 file, the court finds the findings and recommendations to be supported by the record and by  
2 proper analysis. The court has determined that there is no need to modify the findings and  
3 recommendations based on the points raised in petitioner's objections.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations filed May 27, 2005, are adopted in full; and  
6 2. Plaintiff's motions to vacate filed on April 18, 2005 and June 6, 2005, are  
7 denied.

8 DATED: August 10, 2005.

9 /s/Lawrence K. Karlton  
10 UNITED STATES DISTRICT JUDGE  
11 LAWRENCE K. KARLTON  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26